

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Gertrude Burns,	)	C.A. No. 4:07-4100-TLW-TER
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
Georgia-Pacific Consumer Products, LP,	)	
	)	
Defendant.	)	
	)	

---

On September 18, 2009, this Court issued an Order accepting the Report and Recommendation of United States Magistrate Judge Thomas E. Rogers, III, and entering summary judgment in favor of the defendant in this matter. (Doc. #53). Subsequently, the defendant filed an application and motion for award of costs, requesting that the Court tax the plaintiff costs in the amount of \$1,195.25. (Doc. #55). The plaintiff filed a response on October 16, 2009. (Doc. #57). The defendant filed a reply on that same date. (Doc. #58).

In the motion, the defendant seeks an award of costs pursuant to 28 U.S.C. § 1920, Federal Rule of Civil Procedure 54(d), and Local Civil Rule 54.03, D.S.C. More specifically, the defendant seeks \$1,058.45 in costs in connection with taking and transcribing the plaintiff's deposition. This \$1,058.45 amount includes transcription fees in the amount of \$584.20; exhibit fees in the amount of \$12.25; an appearance fee in the amount of \$90.00; transcript postage fees in the amount of \$32.00; and video transcription fees and video postage fees in the amount of \$340.00. The defendant also seeks \$102.45 in fees to obtain the transcript of the deposition of Thomas Anderson which was taken by the plaintiff. Finally, the defendant seeks photocopy costs in the amount of \$34.35. Thus,

the total costs sought by the defendant amount to \$1,195.25.

In the plaintiff's response in opposition, the plaintiff argues against an award of attorney's fees. (Doc. #57). However, as highlighted in the defendant's reply, the defendant has only sought an award of costs. (Doc. #58). The defendant does not seek an award of attorney's fees in connection with this case. (Docs. #55, #58).

The Court has reviewed the all costs requested by the defendant accordance with 28 U.S.C. § 1920, Federal Rule of Civil Procedure 54(d), and Local Civil Rule 54.03, D.S.C. The Court has also reviewed the Fourth Circuit's opinion in the case of Cherry v. Champion Int'l Corp., 186 F.3d 442 (4th Cir. 1999). The Court finds the requested costs to be appropriate under the above cited authority.

For the above stated reasons, the Court hereby taxes the plaintiff costs in the amount of **\$1,195.25.**

**IT IS SO ORDERED.**

s/Terry L. Wooten  
United States District Judge

September 22, 2010  
Florence, South Carolina